

SENATE BILL 2886

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 3, Part 5, relative to drug testing policies
for child care agency employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 5, is amended by
adding the following language as a new, appropriately designated section:

Section 71-3-535.

(a) All persons or entities operating a child care agency as defined in this part,
unless exempt as provided in § 71-3-503, shall establish a drug testing policy for
employees to ensure safety of children while protecting the rights of employees. Such
policy shall require random, unannounced drug testing of any employee who has direct
contact with a child in the care of the agency.

(b) A child care agency shall, at no expense to the state, maintain and make
available to the department upon request a copy of drug testing results for an individual
who is employed as a care giver at the child care agency.

(c) Drug testing results obtained under this section are confidential and may not
be disclosed for any purpose other than the purpose described in this section.

(d) A child care agency that does not comply with this section is subject to the
department:

- (1) Denying the application for a license;
- (2) Denying the application for a license renewal; or
- (3) Suspending or revoking a license issued.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.